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To: Renata Hesse**From:** Joy Lauderman**Fax:** 1-202-307-1454**Pages:** 2 (total)**Phone:** 734-764-1575**Date:** 01/23/02**Re:** Opposition to the Microsoft Settlement**CC:**☐ **Urgent**☐ **For Review**☐ **Please Comment**☐ **Please Reply**☐ **Please Recycle**

• Comments:

The included letter states my strong opposition to the proposed DoJ vs. Microsoft settlement.

Joy Lauderman
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January 23, 2002


Renata Hesse
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I am writing about the proposed settlement in the U.S. vs. Microsoft anti-trust case. After reviewing the proposal, it seems to me that the Department of Justice let Microsoft off easy. I find it highly concerning that most observers of the case consider this settlement to be a victory for Microsoft that will allow them to continue with business as usual. Since Microsoft was found guilty as a predatory monopoly and they have already violated a prior agreement with the DoJ, much stronger remedies are in order.

Any settlement that allows Microsoft to determine what non-Microsoft products may be invoked by Windows and subject that product to a *reasonable technical requirement*, determined by Microsoft, is terribly flawed. In addition, the ability of Microsoft to limit the disclosure of API's or communications protocols if they may *compromise the security of a particular installation or group of installations* is overly broad. Finally, the release of data cannot only be to those that meet *objective standards established by Microsoft for certifying the authenticity and viability* of their business.

In particular, the *viability of business* clause completely omits educational, non-profit, open source and free software developers from being eligible for disclosure of API's or communications protocols as the nature of their endeavors are not necessarily to be viable businesses. This is clearly a strategic move on Microsoft's part as it allows them to squeeze the open source Linux community from being able to compete as efficiently in the server and desktop markets. Any remedy must include full public disclosure of all API's and communications protocols. The information disclosed must be determined by an independent third party that is given sweeping investigative and enforcement powers with public accountability. Anything less will not restore competition to the software industry or prevent future anti-competitive behavior from Microsoft.

Sincerely,



Joy Lauderman